

- On December 22, 2008, a Notice of Non-Compliant Amendment (Form PTOL-324) was mailed advising that the Amendment was non-compliant because Claim 23 lacked a proper status identifier. The Notice stated that “the correction required is only the corrected section of the non-compliant amendment”.
- On January 20, 2009, the Applicant filed a Response to the Notice of Non-Compliant Amendment, by enclosing a replacement page 5 of the Amendment, as required by Form PTOL-324. Replacement page 5 correctly identified Claim 23 with the status identifier “withdrawn-currently amended”.

All of the foregoing information can be verified from the Patent Application Information Retrieval (PAIR) service hosted by the PATENT and TRADEMARK OFFICE.

Since the Applicant timely responded to the Notice of Non-Compliant Amendment of December 22, 2008, the Legal Instruments Examiner should have entered the Amendment of December 13, 2008, together with the Response of January 20, 2009.

Nevertheless, the PATENT and TRADEMARK OFFICE has had a complete listing of the pending claims since January 20, 2009. Accordingly, the Applicant respectfully requests that the Examiner instruct the Legal Instruments Examiner to enter the the Amendment of December 13, 2008.

Respectfully submitted,

HEENAN BLAIKIE LLP

By 

Robert Graham  
Reg. No. 43,430  
Tel: 416-360-3524